

# Buchalter

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October 25, 2021

## VIA ECF

Honorable Robert D. Drain  
United States Bankruptcy Judge  
U.S. Bankruptcy Court for the District of New York  
300 Quarropas Street  
White Plains, NY 10601-4140

Re: The Official Committee of Unsecured Creditors vs.  
(i) McKesson Corp. (Adv. Pro. 17-08264);  
(ii) McKesson Pharmacy Systems, LLC (Adv. Pro. 17-08265); and  
(iii) McKesson Specialty Care Distribution Corp. (Adv. Pro. 17-08266)  
(collectively, the “Adversary Proceedings”)

Dear Judge Drain:

Just three brief points, your honor.

1. In the September 20, 2021 hearing on Plaintiff’s motion to dismiss, the court clearly directed Plaintiff to generate new search terms and provide them to McKesson.

“Well, so I think, look, Mr. Milin has not done his search terms. And I think he knows how this needs to be limited. And he should run those by you to see whether there is anything else beyond what you’ve just offered up.” 9.20.21 Transcript, page 107, lines 1-2.

“Well, I think Mr. Milin is going to give you a handful of search terms for controversies over or disputes over undue financial pressure.” 9.20.21 Transcript, page 127, lines 5-7.

To date, no such search terms have been provided. Plaintiff’s inability to provide such

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search terms is the primary roadblock to moving forward with this matter.

2. In Plaintiff's letter submitted today, it is alleged that "[t]he real outstanding issues are very few: exactly how much of A&P's money Defendant seized, what it told A&P about its doing so, when it decided to keep the money, and why."

There are 174 new paragraphs of factual and legal allegations that evidence to the contrary.

3. The back and forth merely underscores the need for a conference, and perhaps the imposition of a discovery referee.

Counsel for McKesson will, of course, make themselves available to the Court.

Very truly yours,

BUCHALTER  
A Professional Corporation

*/s/ Jeffrey K. Garfinkle*

Jeffrey K. Garfinkle

cc: Tracy Klestadt, Esq.  
Richard K. Milin, Esq.